

Rules of

Department of Mental Health

Division 40–Licensing Rules

Chapter 10–Rules for Day Programs Serving

People Who Are Mentally Ill

or Mentally Disordered

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**Title 9—DEPARTMENT OF
MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs
Serving People Who Are
Mentally Ill or Mentally Disordered**

**9 CSR 40-10.015 Physical Plant
Requirements**

PURPOSE: This rule prescribes physical plant requirements in day programs serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.

Editor's Note: The following material is incorporated into this rule by reference:

1) National Fire Protection, National Electrical Code 1993 (Batterymarch Park, Quincy, MA: National Fire Protection Association, 1992).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) The head of the day program shall provide a premises which is safe and suitable for the operation of a day program.

(A) All windows, doors and vents used for ventilation or temperature control shall be properly maintained to repel rodents and insects by screens or controlled air currents.

(B) Clear glass doors and large windows shall be marked plainly at varying heights to avoid impact.

(C) Heating appliances such as wood stoves, fireplaces, space heaters, radiators and wall furnaces in spaces occupied by clients shall be protected by means approved by the department to safeguard clients from burns.

(D) Walls, ceilings and floors shall be finished so as to be easily cleaned. They shall be free from splinters, cracks and chipping paint. Floor covering shall be in good condition. Lead-free paint shall be used for all painted surfaces. The physical plant shall be structurally sound and attractive inside and outside.

(E) The program premises shall be clean and free from dirt and evidence of vermin (for example, bugs, insects or rodents).

(F) Each program shall have a telephone in working order. Emergency numbers (including that of the local fire department, police department and emergency medical care) shall be posted by each telephone. The phone shall be available to staff.

(G) The program premises shall be dry, heated and well ventilated.

(2) The head of the program shall assure that indoor space meets the following requirements:

(A) The program premises shall have at least forty (40) square feet of usable floor space for each client in the licensed capacity;

(B) Floor space shall be measured wall-to-wall from the inside walls of areas used for clients' activities;

(C) Floor space shall not include kitchens, hallways, bathrooms, closets, staff lounge, office space or floor space occupied by furniture or shelving unless this area is used by clients as part of the program;

(D) The program premises shall have storage space for materials used by clients; and

(E) The day program shall have a ceiling height of at least seven feet six inches (7'6") in all rooms used by clients. This subsection does not apply to any day program which was deemed licensed by the department on April 1, 1986, unless the program changes ownership or increases its licensed capacity.

(3) The head of the day program shall assure that restroom facilities meet the following requirements:

(A) Toilet and handwashing facilities shall be in working order and convenient for the clients' use;

(B) Single-service towels or electrical hand-drying devices, soap, hot and cold water and toilet paper shall be provided and easily accessible for the clients;

(C) Restrooms shall be clean, well-lighted and heated;

(D) There shall be one (1) flush toilet and one (1) handwashing facility for each twenty (20) clients. In day programs with more than twenty (20) clients, there shall be one (1) flush toilet and one (1) handwashing facility for each sex;

(E) Each toilet shall have doors, curtains or partitions to provide privacy;

(F) Day programs serving people who are physically disabled shall equip toilets and bathroom fixtures for their use; and

(G) Restrooms shall be odor-free and ventilated by means of operable windows or appropriate motorized exhaust systems.

(4) Day programs with clients who are physically disabled shall—

(A) Be barrier-free;

(B) Have grab bars, ramps and railings which are designed in compliance with the 1980 Standards of the American National Standards Institute, Inc. (ANSI) and which are maintained to function properly; and

(C) Have means of egress which are large enough to accommodate wheelchairs and other mobility devices used in exiting, if persons in these devices are clients; the means of egress shall be a minimum of two feet eight inches (2'8") wide.

(5) If the day program's water supply is not a community public water supply, the day program shall have its water supply meet drinking water standards promulgated by the Department of Natural Resources or Department of Health.

(6) The day program's electrical system shall comply with the requirements of the *National Electrical Code*. The head of the day program shall—

(A) Provide sufficient and satisfactory artificial lighting and power to meet the demands of the program and needs of clients; and

(B) Submit to the licensing office at the time of initial application and after that, whenever modifications are made, a written statement from a professional electrician that the electrical system at the facility is in compliance with these rules.

(7) The plumbing within the day program shall comply with all state and local laws and with the requirements of a bona fide *National Plumbing Code*. The head of the program, at the time of initial application and after that, whenever modifications are made, shall submit to the licensing office a written statement from a professional plumber that the plumbing system at the facility is in compliance with these rules.

(8) Persons making initial application or intending to construct new day programs or remodel existing programs shall submit plans as follows:

(A) Persons intending to construct new day programs or to remodel or make additions to existing licensed programs shall submit two (2) copies of the plans and specifications prepared to scale. One (1) copy shall be submitted to the licensing office, the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the program. The architect or contractor shall certify in writing that the plans are in compliance with these licensing rules. The head of the program shall not begin construction until the plans have been reviewed by the state fire marshal; and

(B) Persons making initial application for licensing of an existing building shall submit to the licensing office a drawing of the interior floor plan, in approximate scale, and include a narrative indicating the utilization of each area of the facility.

AUTHORITY: sections 630.050 and 630.705, RSMo (1994).* *Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed July 17, 1995, effective March 30, 1996.*

*Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.

9 CSR 40-10.035 General Medical and Health Care

PURPOSE: *This rule prescribes general medical and health care requirements for day programs serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.*

(1) The head of the day program shall immediately report to the licensing office, local health authorities and the affected client, parent/guardian, if applicable, or combination of these, any unusual occurrences of infections or contagious diseases, epidemic outbreaks, poisoning or other occurrences which threaten the welfare, safety or health of any client. The program shall furnish other information relative to the occurrences as required by the department.

(2) The program shall have a written policy regarding whether or not it will administer drugs and medications.

(3) If medications are administered at the day program, the head of the program shall regulate their use as follows:

(A) All prescription drugs administered at the day program shall be in containers prepared for day program use by the pharmacist and shall be kept at the day program; medications shall be labeled with the client's name, instructions and the physician's name as required by law. A dated copy of the physician's orders for medication shall be kept with the medication;

(B) The same person shall prepare, administer and chart medication at the time it is given. If a unit dosage system is used, the same person who removes the medication from the unit dose blister card also shall administer and chart the medication;

(C) All nonprescription medicine shall be labeled with the client's name; a copy of the

physician's order for this medicine shall be kept with the medication;

(D) Medicines shall be kept in a locked container;

(E) Medicine needing refrigeration shall be kept in the refrigerator in a container separate from food;

(F) Medicine shall be properly disposed of when no longer needed;

(G) The date and time(s) of administration, the name of the person giving the medication and the quantity of any medication given shall be recorded in the client's permanent record;

(H) The head of the program shall not permit any client to be provided medical treatment, drugs or topical medications other than by written order of a licensed physician. This rule does not apply to nonprescription topical applications.

1. Physician's orders shall be limited to ninety (90) days for prescription drugs. *Pro re nata* (PRN) orders for prescription drugs shall be reviewed every thirty (30) days. It is not necessary that the physician's orders be rewritten each time if there are no changes. The physician's signature and date is sufficient.

2. Standing orders for the entire facility shall not be allowed.

3. PRN orders for nonprescription drugs and treatment may be utilized for individual clients if the order indicates specific drugs and dosages, or specific treatments, for specific indications.

4. Physicians' orders for nonprescription medication, except nonprescription topical medication, shall be reviewed at least every ninety (90) days.

5. In an emergency, the physician may give or change an order by telephone, but the order must be signed within forty-eight (48) hours.

6. Stock supplies of nonprescription medications are permitted. Nonprescription medication shall not be used after the expiration date on the medication container and shall be disposed of properly; and

(I) The following regulations shall regulate the storage and administration of drugs and medications:

1. Medications shall be properly and clearly labeled in accordance with Missouri statutes and shall be stored under lock and key. Schedule II controlled substances as defined under section 195.017, RSMo shall be stored under double lock. Internal and external medication shall be kept separate;

2. The head of the program shall assume responsibility for the proper administration of medications in a well-lighted area;

3. Errors in administering or in self-administration of medication shall be report-

ed immediately to the physician and regional center;

4. Medical treatment and medications shall be administered in accordance with the physician's orders and directions on the label of medication containers; and

5. First-aid supplies needed to treat simple medical emergencies shall be available at the day program.

(4) If a program takes possession of the medications of self-administering clients, the program shall meet all rules for programs which administer medications.

(5) If a program has both clients who self-administer and clients who do not self-administer, the program must take safeguards to insure that clients who cannot administer are protected.

(6) Information regarding any illness, accident or injury, and action taken, which occurs while the client is attending the day program shall be noted in the client's record.

AUTHORITY: sections 630.050 and 630.705, RSMo (1994).* *Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed July 17, 1995, effective March 30, 1996.*

*Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.

9 CSR 40-10.055 Food Services

PURPOSE: *This rule prescribes food service in day programs serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.*

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) The day program's kitchen shall meet the food service needs of its clients, to include having a sufficient supply of equipment to

prepare meals satisfactorily and a sufficient number of dishes, glassware and flatware.

(2) The day program shall maintain its food-contact surfaces, utensils and equipment used for eating and drinking in good condition, free from chips and cracks and thoroughly cleaned and sanitized after each use. If food contact surfaces, disposable eating utensils and equipment are used, they shall be stored in a manner that will maintain cleanliness until used and disposed of after use in a sanitary manner.

(3) If clients bring sack lunches to the program, or if the program prepares food, clients help prepare food, or the program has food catered, the program shall meet the following requirements:

(A) The program shall have equipment used in the preparation and serving of food, including can openers, meat slicers and cutting boards, cleaned thoroughly at least once a day, if used;

(B) The program shall provide dining areas equipped with tables, chairs, eating utensils and dishes which are appropriate to clients' needs and are in sufficient quantity for the clients being served;

(C) The program shall have a dishwasher for the washing of dining utensils and dishes. The dishwashing machine shall have an adequate supply of wash and rinse water at one hundred forty degrees Fahrenheit (140°F) at a minimum. The department may approve a modified three (3)-compartment sanitizing system in lieu of a dishwasher. The three (3)-compartment sanitizing system shall be of sufficient depth and size to accommodate those utensils most frequently used in the preparation and serving of food;

(D) In lieu of hot water, chemicals approved by the department may be used for sanitizing purposes;

(E) Food and drink prepared at or catered to the day program shall be free from spoilage and prepared safe for human consumption. Meat must have been inspected by a governmental inspection source;

(F) The program shall store dry products and canned goods at least four inches (4") off the floor and rotate the stock;

(G) The program shall have a refrigerator that is sufficient to meet the needs of the clients including the storage of sack lunches, drinks and medications which have been brought in from the clients' residences. The refrigerator shall have an operable interior thermometer and shall be maintained at a temperature of forty-five degrees Fahrenheit (45°F) or lower;

(H) The program shall store, prepare, display, serve or transport food to protect it from contamination. The program shall cover stored perishable food and shall keep it at temperatures to protect it from spoilage. The program shall maintain potentially hazardous foods at safe temperatures, below forty-five degrees Fahrenheit (45°F) except during preparation and service. The program shall have all meat, fish and poultry properly cooked before being served. All repackaged, potentially hazardous food and all leftovers shall be labeled and dated;

(I) Milk served clients shall be Grade A pasteurized milk or Grade A certified, pasteurized milk;

(J) The program shall have a pest-control program which eliminates insects and rodents from buildings. The program shall use and store chemicals in a safe, cautious manner to avoid poisonous or toxic contamination; and

(K) The program shall store and use only hazardous materials required to maintain sanitary conditions. Hazardous materials include poisons, toxins, inflammables, infectious items and corrosives. These materials shall be properly labeled and stored so as not to contaminate food or constitute a hazard to program clients or staff. The program shall not use hazardous materials in food service areas unless materials safe to humans cannot be substituted.

AUTHORITY: sections 630.050 and 630.705, RSMo (1994). Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed April 1, 1993, effective Dec. 9, 1993. Amended: Filed July 17, 1995, effective March 30, 1996.*

**Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.*

9 CSR 40-10.075 Adequate Staff

PURPOSE: This rule prescribes requirements for personnel employed in a day program serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.

(1) Each day program shall have a chief administrative officer referred to as the head of the day program in these rules.

(2) The head of the day program shall have a bachelor's degree or be a licensed registered nurse (RN) and shall have at least two (2) years' relevant work experience.

(3) The head of the day program shall report any change in location, ownership, management or administration to the department within five (5) days.

(4) All personnel, including physical therapists, occupational therapists and volunteers who have frequent, regularly scheduled at least once per week, and direct contact with clients, shall have a tuberculin skin test or chest X-ray and a statement from their physician stating they have been screened for contagious diseases at the time of employment and annually after that. The physician's statement shall indicate the specific communicable diseases for which the person has been tested.

(5) Any employee diagnosed or suspected of having a contagious or infectious disease shall not work or be in the facility until a written statement is obtained from a physician that the disease is no longer contagious or is found to be noninfectious.

(6) The program shall give each employee a written job description.

(7) The program shall keep job descriptions for all positions on file.

(8) Each day program shall have, as a minimum, a daily direct care staff to client ratio of one to sixteen (1:16) unless program needs or client mix require otherwise.

(9) Program needs or client needs may justify alternate staffing levels based on the following considerations:

(A) The physical layout of the day program;

(B) If there are any blind or deaf clients;

(C) Qualifications of the staff;

(D) The number of individual goals and objectives for the clients;

(E) Obvious indications that staff is unable to meet the needs of clients being served or is unable to meet minimum housekeeping and maintenance rules, or both; and

(F) The availability of backup staff.

(10) All day program direct care staff shall have a high school diploma or General Educational Development (GED) Certificate.

(11) The head of the program shall designate a person capable to act for him/her when unavailable.

(12) The program shall have sufficient back-up staff to provide services to clients and to meet licensing staffing requirements at all times.

(13) The day program shall provide orientation and training as follows:

(A) New employees and volunteers shall receive orientation to acquaint them with the philosophy, organization, program, practices and goals of the program;

(B) Each employee shall receive a minimum of six (6) hours of training annually. The training shall include the use of physical restraint, and training in cardiopulmonary resuscitation (CPR) and first-aid. The training shall be in accordance with the guidelines of the American Red Cross, the American Heart Association, the National Safety Council, or other nationally recognized organization. Training review must be consistent with the guidelines of the certifying authority. At least one (1) staff person with these skills will be on duty at all times and in close proximity to the clients. Based on the configuration of the building and the number of clients, more than one (1) trained staff may be required in the program; and

(C) The day program shall provide documentation of the training.

(14) All day program staff shall be knowledgeable about the program's policies and procedures.

(15) The day program staff, or other personnel, shall not be under the influence of alcohol or illegal drugs while on the premises. The day program staff or other personnel shall not be in a state of impaired ability because of medication use.

(16) All staff and volunteers responsible for direct care of clients shall be eighteen (18) years of age or older.

(17) All staff administering medications shall have successfully completed a course on medication administration. This training shall be updated every two (2) years. The initial training and biennial update shall—

(A) Be approved by the placement office;

(B) Be offered by an instructor who is a licensed practical nurse (LPN) certified by the Division of Aging as an instructor, a registered nurse (RN), a pharmacist or a physician;

(C) Not apply to LPNs, RNs or certified medication technicians with lifetime certificates; and

(D) Be documented in the personnel file of the recipient of the training.

(18) The course to update training in medication administration shall address at least the following:

(A) Review of Basics.

1. Medication ordering and storage.

2. Medication administration.

A. Use of generic drugs.

B. How to pour, chart, administer and document.

C. Information and techniques specific to the following: inhalers, eye drops, topical medications, insulin injections and suppositories.

D. Infection control.

3. Individual rights and refusal of medications and treatment;

(B) Issues specific to the program as indicated by the needs of the clients and the medications and treatments currently being administered.

1. Emergency response.

2. Medication allergies.

3. Corrective actions based on problems identified by the staff, the trainees or issues identified by regulatory and accrediting bodies, professional consultants or by any other authoritative source; and

(C) Updates on new medications or new procedures.

(19) No clients shall be present at the day program unless at least one (1) staff person is also present.

*AUTHORITY: sections 630.050 and 630.705, RSMo (1994). * Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed April 1, 1993, effective Dec. 9, 1993. Amended: Filed July 17, 1995, effective March 30, 1996.*

**Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.*

9 CSR 40-10.095 Recordkeeping

PURPOSE: This rule prescribes requirements for a uniform system of recordkeeping in day programs serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.

(1) Records shall be kept on all clients admitted to any day program and shall be retained

for a minimum of seven (7) years following discharge of the client.

(2) All active records shall be current and readily available for review by the department or other authorized persons.

(3) Records shall be stored in such a manner as to properly safeguard the confidentiality of their contents.

(4) Individual client records shall be kept at the day program location during the hours the client is involved in the program and include the following:

(A) Admission forms containing client's name, address, phone number, Social Security number, language spoken or used in natural home if not English; name, address and telephone number of parents, guardians, next of kin or other responsible party to be notified in case of emergency; date of admission, diagnosis and legal competency status; and the name, address and telephone number of personal physician or health facility providing medical care and pay sources, if known;

(B) The individualized program plan;

(C) The client's drug chart if medications are administered at the day program; and

(D) Reports of any sudden change in condition, injury, accident or deviation from routine delivery of services shall be entered at the time of occurrence.

(5) Entries in the client's record shall be signed and dated by the person making the entry.

(6) The program shall make available for public inspection to staff, clients, their families or legal representative and the public a complete copy of each official notification from the department of violations, deficiencies, licensing approvals, disapprovals and responses, a description of services and charges for services.

(7) Each day program shall maintain a personnel file for each employee containing Social Security number, home address, phone number, reference information, educational background, work experience with dates of employment, reasons for leaving, record of attendance at orientation and other training courses, job description, periodic job performance evaluations, copies of applicable licenses and renewals for qualified mental health professionals and documentation of education and experience. Reports of tine tests or chest X-rays and statements that the employee is free from communicable diseases also shall be kept on each employee.

Individual personnel records must be made available for licensing inspections at the day program at the time of inspection.

(8) The program shall furnish to the department the reports and records relevant to these rules as may be requested. Proper safeguards to protect the rights of clients and employees shall be maintained.

(9) Every program shall keep a current table of organization on file.

(10) Each day program shall keep a record of the names and number of hours worked by employees.

(11) If an epidemic outbreak occurs, the program shall maintain a record of it.

AUTHORITY: sections 630.050 and 630.705, RSMo (1994). Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed July 17, 1995, effective March 30, 1996.*

**Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.*

9 CSR 40-10.115 Admission Criteria

PURPOSE: This rule prescribes criteria for the admission to day programs serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.

(1) Prior to admission, each client shall be screened to assure that s/he meets the program's admission criteria. A client with either a primary or secondary diagnosis of mental retardation or developmental disability may be served by a day program licensed for people who are mentally ill or mentally disordered if the individual client's record indicates s/he at least respects the danger of toxic chemicals and can safely use hot water. If the client does not respect the danger of toxic chemicals, they must be locked, inaccessible, or both. If the client cannot safely use hot water, the temperature must be kept below one hundred fifteen degrees Fahrenheit (115°F). It will be the responsibility of the head of the day program to determine the client's ability to use hot water and respect the danger of toxins.

(2) Each client shall have an individualized program plan prior to admission into the program or within thirty (30) days of admission.

(3) The program shall follow its written policies and procedures for the admission of clients.

(4) The program shall not admit to the licensed premises more clients than its licensed capacity.

(5) The program shall not admit nor serve any client who is not, or would not, benefit from the services provided by the program as described in the client's individualized program plan.

(6) If the day program provides field trips, it shall maintain field trip permission forms signed by the client, parent or guardian.

AUTHORITY: sections 630.050 and 630.705, RSMo (1994). Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed April 1, 1993, effective Dec. 9, 1993. Amended: Filed July 17, 1995, effective March 30, 1996.*

**Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.*

9 CSR 40-10.135 Care, Treatment and Rehabilitation

PURPOSE: This rule prescribes requirements for client care, treatment and rehabilitation in day programs serving people who are mentally ill and mentally disordered as required by section 630.710, RSMo.

(1) Each licensed day program shall have scheduled activities which are consistent with the identified needs of its clients and which meet the requirements of sections (2)—(4) of this rule.

(2) In day programs identified by the department as partial hospitals, comprehensive psychosocial rehabilitation centers or day treatment programs, there shall be an individualized program plan for each client within thirty (30) days of admission.

(3) The person responsible for the implementation of the individual objectives of the program plan shall collect data on its implementation and shall prepare a progress note at least monthly. This monthly progress note may be data-based, anecdotal, subjective, or narrative. The program plan shall be reviewed quarterly and updated annually. The annual update and implementation of the plan shall occur within three hundred sixty-five (365) days after the implementation of the previous plan.

(4) The program plan shall be person-centered, developed with the active participation of the client and shall address community membership and involvement, client choice and positive relationships with people who are not paid staff.

(5) Day programs which are not identified under section (2) of this rule are not required to have individual program plans for each client. However, each day program so identified shall—

(A) Maintain a calendar of scheduled events and make this calendar available to clients; and

(B) Enter monthly progress/participation notes in each client's record indicating to what extent each client is utilizing the services offered by the day program and a brief description of the client's response, adjustment or involvement.

(6) Chemical restraints, mechanical restraints, seclusion, time-out or aversive stimuli shall not be used.

(7) Physical restraints shall be used only when less restrictive alternatives have failed and only to reduce or eliminate an episode or substantial risk of serious physical harm. Any use of restraint shall conform to the program policies and procedures regarding restraint. Physical restraint shall be applied only by a staff person who has been properly trained.

(8) If a facility has a policy prohibiting the use of physical restraint, that policy shall be in writing and stipulate the following:

(A) The day program specifically states in writing that it will never use physical restraint under any circumstances;

(B) The policy prohibiting use of physical restraint is appropriate and realistic for clients being served;

(C) The admission criteria would prohibit admitting any client who would likely need to be physically restrained; and

(D) The day program must describe how it will deal with explosive behavior if physical restraint is not used.

(9) Participation in volunteer work shall be documented in the individual program plan.

(10) Temporary exclusion or removal of a client as a behavior method, but not as a formal behavior modification procedure, shall be governed by written policies regarding control and discipline, as required by 9 CSR 40-2.075(2)(A)3.E.

(11) In programs which have incontinent clients, the program shall insure that clients are kept clean and that clean clothing is available at the program. There shall be a system for either washing or storing soiled clothing and returning it to the client's home.

*AUTHORITY: sections 630.050 and 630.705, RSMo (1994). * Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Aug. 18, 1987, effective Nov. 15, 1987. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed April 1, 1993, effective Dec. 9, 1993. Amended: Filed July 17, 1995, effective March 30, 1996.*

**Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.*

9 CSR 40-10.145 Maintenance, Housekeeping and Laundry

PURPOSE: This rule prescribes maintenance, housekeeping and laundry requirements in day programs serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.

(1) The program shall have an effective plan for maintenance and housekeeping including staff, equipment and supplies. The program shall—

(A) Maintain the building in good repair and in a safe, clean and orderly condition;

(B) Maintain walls, ceilings and floors in good repair and free from peeling wallpaper or paint, cracks or holes, loose or cracked tiles or carpeting, loose handrails or railings, loose or broken windows and other similar hazards;

(C) Maintain the interior and exterior finishes of the building in a clean, attractive and safe condition;

(D) Maintain carpeting, draperies, furniture and other furnishings in a clean, attractive and safe condition;

(E) Maintain the electrical system, including electric wires and appliances, in a safe and functioning condition;

(F) Maintain plumbing, heating and fire protection systems in a safe and functioning condition;

(G) Maintain the program premises including basements, attics, stairwells and unoccupied rooms to minimize fire hazards;

(H) Maintain the grounds and other buildings on the grounds, regardless of whether or not they are intended for client use, in a safe, sanitary and presentable condition;

(I) Prevent odors; and

(J) Store refuse so as to be inaccessible to vermin and not to create a nuisance.

(2) If a day program provides laundry services for items used by clients, the day program shall—

(A) Provide space for sorting, processing and storage of soiled linens separated from space used for clean linens;

(B) Provide for prewash of linens soiled by incontinent clients; and

(C) Vent dryers properly.

*AUTHORITY: sections 630.050 and 630.705, RSMo (1994). * Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed July 17, 1995, effective March 30, 1996.*

**Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.*

9 CSR 40-10.155 Fire Safety

PURPOSE: This rule prescribes fire safety requirements for all day programs serving people who are mentally ill or mentally disordered as required by section 630.710, RSMo.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) The head of the day program shall have adequate fire detection equipment installed in accordance with National Fire Protection Association codes and approved by the state fire marshal's inspector.

(A) The day program shall provide a home-type detector in each room of the building in which the day program is located, including restrooms without bathing facilities and storage rooms, in front of the door to each stairway and at intervals of no more than thirty feet (30') in corridors. Home-type detectors shall have the approval of an accepted testing laboratory, shall be powered by an individual battery, and shall sense smoke or heat, and sound an audible alarm. Detectors shall be tested monthly and batteries shall be changed as needed. A record shall be kept of the dates of testing and changing of batteries.

(B) Day programs with more than fifty (50) clients or with clients using more than one (1) floor shall have a manual fire alarm system to supplement protection offered by the detectors required under subsection (1)(A).

(C) The day program shall have an electrical alarm system including an automatic fire sprinkler system under any of the following conditions:

1. Clients use any floor above the second floor;

2. Clients who require mechanical or human assistance to evacuate the facility use any floor above or below the first floor; or

3. Clients use a floor below the level of exit discharge such as a cellar or basement, which exceeds twelve hundred (1200) square feet in total area.

(D) Water supply for sprinkler systems required under this section may be a domestic water source if the domestic water system is designed to adequately support the design flow of the largest number of sprinklers in any one area.

(2) No day program shall be located in the same fire section as a high hazard occupancy either manufacturing, industrial or storage, as defined by the National Fire Protection Association.

(3) Day programs shall be separated from other occupancies in the same building in accordance with the following fire grading requirements:

Fire Grading Of Use Groups

Use Group	Fire Grading in Hours
Assembly, theatres	3
Assembly, night clubs	3
Assembly, recreation center, lecture halls, terminals, restaurants	2
Assembly, churches, schools	1 1/2
Business	2
Institutional, restrained	3

Fire Grading Of Use Groups

Use Group	Fire Grading in Hours
Institutional, incapacitated	2
Mercantile	3
Residential, hotels	2
Residential, multi-family dwellings	1 1/2
Residential, 1- and 2-family dwellings	1

(4) Approved, portable fire extinguishers shall be located on each floor of the facility so that no person will have to travel more than one hundred feet (100') from any point to reach the nearest extinguisher. Additional approved fire extinguishers, type A-B-C, or extinguishing systems, shall be provided for every kitchen, laundry, storage room, boiler room, furnace room, elevator motor room and other mechanical equipment rooms. All personnel employed in the facility shall be instructed in the operation of the fire alarm system and the various types of extinguishers.

(5) Fire alarm systems and sprinkler systems shall be inspected annually by a competent authority who shall test and certify in writing that the system is operating properly. Annual inspections performed for insurance purposes are acceptable.

(6) Hazardous materials, fuels and other combustible supplies and equipment, the contents of which are easily ignited, burn with an intense flame or result in the production of dense smoke or fumes (for example, oil-base paint, paint thinner, cleaning supplies and gasoline) shall be stored in a room, space or container having a fire-resistance rating of at least one (1) hour.

(7) Boilers, furnaces and gas hot water heaters shall be located in a room which is separated from the rest of the facility by construction having a fire-resistance rating of at least one (1) hour or the room shall be protected by an automatic extinguishing system. These rooms shall not be used for storage. Doors to these rooms shall be solid core or equivalent and shall be self-closing. There shall be adequate ventilation to the outside atmosphere to properly support combustion in the boiler, furnace or hot water heater. Furnaces and hot water heaters having an open flame shall not be located in garages unless they are enclosed by a one (1)-hour fire-resistance rating assembly and burners are located at eighteen inches (18") above the garage floor.

(8) The heating of day program facilities shall be restricted to steam, hot water or warm air systems employing either central heating plants with installation so as to safeguard the inherent fire hazard or approved installations of outside wall heaters which bear the approved label of the American Gas Association or the American Insurance Association. Alternate modern types of heating systems may be accepted, if approved by the department. The use of portable heaters of any kind is prohibited. If approved wall heaters are used, adequate guards shall be provided to safeguard clients. The heating apparatus employed shall not constitute a burn hazard to the clients. Floor-type heaters or furnaces shall not be permitted. All heating equipment shall be equipped with a thermostat control.

(9) Heating and ventilation systems and equipment shall be installed and maintained in compliance with standards of the American Insurance Association or American Gas Association. Liquefied petroleum gas (LPG) tanks shall be annually inspected for leaks. Furnaces and other heating units also shall be inspected annually. In day programs having thirteen (13) or more clients, the hot water heater shall be inspected annually and approved annually by qualified authorities such as service representatives of a commercial heating company or a public utility company. The head of the program shall maintain a record of the results of inspections required by this section.

(10) Hot water heaters shall have a pressure and temperature relief valve, be properly vented and equipped with thermostatic controls in compliance with the applicable codes. The overflow pipes from the pressure relief valve shall be installed and extend within three inches (3") of the floor. There shall be an air gap between the bottom of the overflow valve and any floor or sewer drain.

(11) The use of wood, gas or electric fireplaces shall not be permitted unless they are installed in compliance with National Fire Protection Association codes and the facility has prior approval of the department. Free standing fireplaces, wood stoves and other fuel burning appliances shall meet the requirements set forth in Appendix A of this rule.

(12) Heating elements such as wood stoves, fireplaces, space heaters, radiators and wall furnaces in spaces occupied by clients shall be protected by partitions, screens or other means approved by the department to safeguard clients from burns.

(13) Exits shall meet the following requirements:

(A) Each floor used by clients shall have at least two (2) exits remote from each other. At least one (1) of these exits must lead directly outside at ground level, to an outside stairway, or to an enclosed stairway that is separated by one and one-half (1 1/2)-hour fire-resistant rating construction from each floor and has an exit leading directly to the outside. Neither of the required exits shall lead through a furnace room or a boiler room. A required exit shall not be through a kitchen if the day program serves more than ten (10) clients;

(B) Every room or space with a capacity of over twenty-five (25) persons or over one thousand (1000) square feet (92.9 square meters) in area shall have at least two (2) doorways as remote from each other as practicable. These doorways shall provide access to separate exits, but, where egress is through corridors, may open upon a common corridor leading to separate exits in opposite directions;

(C) If part of the building, in which the day program is located is vacant or if the day program shares use of the building with any other occupancy not subject to these rules, both required exits shall lead directly outside or to an enclosed corridor or stairway that leads directly outside and is not available to any other occupancy as a means of egress;

(D) Outside stairways shall be substantially constructed to support clients during evacuation. They shall be kept clear of ice and snow. Newly constructed fire escapes shall be at least thirty-six inches (36") wide, shall have eight-inch (8") maximum risers, nine-inch (9") minimum tread, no winders, maximum height between landings of twelve feet (12'), minimum dimensions of landings of forty-four inches (44"), landings at each exit door, handrails on both sides and be of sturdy construction using at least two-inch (2") lumber and shall be continuous to ground level;

(E) Outside stairways in facilities with three (3) floors shall be constructed of iron or steel;

(F) Travel distance between any room door and an exterior exit shall not exceed one hundred feet (100'), nor shall any point in a room and an exterior exit exceed one hundred fifty feet (150'). These travel distances may be increased by fifty feet (50') in buildings completely equipped with an automatic fire extinguishing system;

(G) The facility shall keep all means of egress, including exits, corridors, passageways, aisles and exit, through rooms free of any item that would obstruct the exit route;

(H) Corridor length between smokestop partitions, horizontal exits or from either to the end of the corridor on any floor used by clients shall not exceed one hundred fifty feet (150');

(I) Corridors, aisles or passageways to be used as a means of horizontal exit shall be at least thirty-four inches (34") wide;

(J) Exit doors shall be at least thirty-six inches (36") wide in new construction and twenty-eight inches (28") wide in existing buildings. All exit doors shall swing in the direction of exit travel if the day program serves ten (10) or more clients. They shall be provided with panic hardware if the exit is subject to use by fifty (50) or more persons. Locks shall not require the use of a key from inside the building;

(K) Latches on closet doors shall be such that they can be opened from the inside by clients;

(L) Locks on bathroom doors shall be designed to permit opening from the outside and the device to open the door shall be readily accessible to staff; and

(M) In multi-use occupancies, clients shall not have access to other areas of the building, at the discretion of the Division of Fire Safety.

(14) The day program shall have Underwriters' Laboratory (UL)-approved emergency lighting for means of egress. The emergency lighting system shall use only reliable types of rechargeable batteries, provided with suitable facilities for maintaining them in properly charged condition. The emergency lighting system shall operate without manual intervention on failure of normal services. Emergency lighting for means of egress is not required if the state fire marshal determines the means of egress to be safely lighted by some other source.

(15) Day programs serving more than ten (10) clients shall provide at each exit a sign bearing the word EXIT.

(A) The exit sign shall be readily visible from the direction of exit access and shall provide contrast with decorations, interior finish and other signs.

(B) Letters of signs shall be at least six inches (6") high, with the principal strokes of the letters not less than three-fourths inch (3/4") wide.

(C) Exit signs shall be powered by the building's electrical service with battery backup having a duration time of at least one and one-half (1 1/2) hours. Approved self-luminous nonelectrical exit signs may be used in lieu of exit signs powered by the building's electrical system.

(16) The day program shall have a firestop partition between each floor.

(A) All doors providing separation between floors shall have a self-closing device attached. If the doors are to be held open, they shall use electromagnetic hold-open devices that are interconnected with other fire extinguishers or alarm systems in the building.

(B) Firestop partitions where required shall have a one (1)-hour fire-resistance rating when serving three (3) stories or less and a two (2)-hour fire-resistance rating when serving four (4) or more stories.

(C) Firestop partitions shall extend from wall-to-wall and floor-to-ceiling or roof.

(D) Openings in firestop partitions shall be protected by approved doors with a fire-resistance rating of at least three-fourths (3/4) of an hour, be self-closing and kept closed at all times, unless they have magnetic hold-open devices connected to the fire detection or sprinkler system.

(E) Doors shall swing in the direction of exit travel.

(17) If kitchens in day program facilities have a commercial stove or deep fryer, the facility shall—

(A) Provide each cooking range and deep fryer with a range hood and fire suppression system with automatic cutoff for fuel supply and exhaust system in case of fire. The fire suppression system shall be installed and cleaned in accordance with National Fire Protection Association codes; and

(B) Have interior kitchen doors separating the kitchen from the rest of the facility. These doors shall have a fire-resistance rating of three-fourths (3/4) of an hour or equivalent and shall be kept closed when not in use.

(18) Every room or space used by clients, except restrooms shall have at least one (1) outside window for emergency rescue and ventilation. The window shall be openable from the inside without the use of tools and provide clear opening of not less than twenty inches (20") in width, twenty-four inches (24") in height and five and seven-tenths (5.7) square feet in area. The bottom of the opening shall be not more than forty-four inches (44") above the finished floor and any latching device shall be capable of being operated from not more than fifty-four inches (54") above the finished floor. This window requirement does not apply under the following circumstances:

(A) In buildings protected throughout by an approved automatic sprinkler system;

(B) In buildings protected throughout by an approved smoke detection system, with detec-

tors spaced at a maximum of thirty feet (30') on center and with direct tie to the fire department servicing the area; or

(C) Where the room or space has a door leading directly to the outside of the building.

(19) Stairways shall be adequately illuminated with electric lights and shall be provided with well-secured handrails which may project not more than three and one-half inches (3 1/2") on each side. The minimum width of stairway shall be at least thirty inches (30"). The width of a landing at either end of a flight of stairs shall not be less than the width of any door leading to the stairs.

(20) There shall be no enclosed usable space under the stairs in any exit enclosure nor shall the open space, either under the stairs or adjacent to the stairs, be used for storage.

(21) All preliminary plans and drawings for sprinkler systems and fire alarm systems shall be reviewed by the state fire marshal before they are installed.

(22) The state fire marshal reserves the right to require any reasonable, additional fire protection measures deemed necessary for the clients' safety.

(23) The state fire marshal, at his/her discretion, may approve the use of systems, methods or devices which provide a level of protection which is equivalent or superior to the protection provided under this rule.

(24) The head of the day program shall conduct fire drills at least quarterly and shall cooperate with the state fire marshal's inspector in initiating unscheduled fire drills. The head of the day program shall keep a written report of each drill indicating whether the evacuation plan was realized, whether any problems were encountered and whether any corrections are needed.

(25) The *National Life Safety Code* shall prevail in the interpretation of these standards.

AUTHORITY: sections 630.050 and 630.705, RSMo (1994). Emergency rule filed June 17, 1986, effective July 1, 1986, expired Oct. 29, 1986. Original rule filed June 17, 1986, effective Nov. 13, 1986. Amended: Filed Jan. 2, 1990, effective June 11, 1990. Amended: Filed July 17, 1995, effective March 30, 1996.*

**Original authority: 630.050, RSMo (1980), amended 1993, 1995 and 630.705, RSMo (1980), amended 1982, 1984, 1985, 1990.*

Appendix A

**Rules for the Installation and Use of
Fireplaces, Wood Stoves and Other Fuel
Burning Appliances**

I. The stove must be approved by a nationally recognized testing and approving agency.

II. Wood stoves, free standing fireplaces and other fuel burning appliances must be at least thirty-six inches (36") away from walls and other combustible materials. (This includes furniture, drapes and firewood.) The connector (chimney or flue) must have at least eighteen inches (18") clearance from the walls and ceiling.

III. A connector to a masonry chimney must be the size recommended by the manufacturer for the stove and chimney height. If the stove or fireplace connection is to a masonry chimney, there must be at least eight inches (8") clearance to combustible material at the surface where the connector enters the chimney. Combustible material includes paint, wallpaper, paneling and gypsum board. The connection to the chimney must be through a metal or fireclay thimble. The thimble must be flush with the inside of the flue liner and flush with the outer surface of the masonry chimney. It must be cemented in place with high temperature cement.

IV. There must be a noncombustible hearth under the stove or fireplace. The hearth must extend at least eight inches (8") on the sides and back of the fireplace or stove and at least eighteen inches (18") in the front.

A. If there is no clearance at the bottom of the stove or fireplace, it must rest on brick or hollow blocks at least eight inches (8") thick. There must be a piece of sheet metal at least twenty-four (24) gage between the bricks or blocks and the floor. The spaces between the bricks or blocks must be filled with sand.

B. If the stove has legs, the floor fire protection, at a minimum, must meet the following requirements:

1. If the legs are eighteen inches (18") high, the floor shall be protected by one-quarter inch (1/4") noncombustible millboard, with twenty-four inch (24") gage sheet metal between the millboard and the floor;

2. If the legs are eight inches (8") high, the floor shall be protected by three-eighths inch (3/8") noncombustible millboard with twenty-four (24) gage sheet metal between the millboard and the floor;

3. If the legs are four inches (4") high, the floor shall be protected by four-inch (4") brick or hollow blocks with twenty-four (24) gage sheet metal between the blocks and the

floor. The spaces between the bricks/blocks must be filled with sand; and

4. When noncombustible millboard is used, the top surface of the millboard must be protected from damage by the stove legs. Pieces of ceramic tile or sheet metal placed between the stove legs and the millboard will do this. Note: Noncombustible millboard not compressed asbestos board must be used.

V. When fireplaces, woodstoves or other fuel burning appliances are in use, the head of the day program shall require that a window be opened or use other ventilation methods to replace the air used for combustion.

VI. Factory-built metal chimneys shall be UL-approved and meet the following requirements:

A. They must be double or triple wall construction;

B. Double wall chimneys must be installed with at least a two-inch (2") clearance to combustible material;

C. The inside diameter and height must be as specified by the manufacturer in his/her installation instructions;

D. Where double wall metal chimneys penetrate floors and ceilings, factory-built firestop spacers must be used to maintain clearances;

E. Portions of the double wall metal chimney extending through rooms or closets must be enclosed to prevent contact with persons or combustible material. Chimney chases must be firestopped;

F. The chimney must terminate at least two feet (2') higher than any part of a building within ten feet (10'). It must be at least three feet (3') higher than the highest part of the roof it passes through;

G. All chimney parts must be factory-built and must be UL-listed. This includes items such as: chimney cap, roof flashing, chimney support boxes, firestop spacers, storm collars, cleanouts, elbows, braces, bands and wall spacers;

H. All openings through which the chimney passes must be firestopped with noncombustible material;

I. An exterior metal chimney may not be closer than twenty-four inches (24") to a door, window or walkway unless it is insulated or shielded to prevent burning a person who might touch it;

J. There must be three feet (3')-clearance between the chimney and the property line;

K. A cleanout "T" must be installed;

L. When a woodburning appliance is connected to a flue, no other appliances can be

connected to the same flue. All other openings, except for the cleanout, must be permanently sealed; and

M. A spark arrestor must be installed at the chimney outlet.